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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed July 2, 2007. In the Office Action, the Examiner notes that claims 1-33 and 35-57 are pending of which claims 9-29 and 52-57 are withdrawn from consideration and claims 1-8, 30-33 and 35-51 are rejected. By this response, Applicants have amended independent claims 1, 4 and 30. Support for the claims may be found in the Applicants' specification on at least page 6, lines 7-8.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

35 U.S.C. §103 rejection of Claims 1, 4-8, 30-32, 35, 38-40 and 45-51

The Examiner has rejected claims 1, 4-8, 30-32, 35, 38-40 and 45-51 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,547,829 to Meyerzon et al. (Meyerzon) in view of U.S. Patent Application Publication No. 2002/0099697 A1 to Jensen-Grey.

Applicants' claim 1 recites:

1. A remote content crawler for use in a content search, packaging, and delivery system, comprising:
 - a remote content crawler processor that controls the remote content crawler;
 - a network resource processor that acquires data related to resources coupled to one or more communications networks;
 - a crawling criteria processor that acquires crawling criteria, said crawling criteria having a plurality of conditions;
 - a crawling criteria checker that determines if the acquired data meets said plurality of conditions of said crawling;

a crawler content provider processor that receives, processes and stores content provider listings such that a subscriber may obtain desired content via tuning a set top terminal to a television channel carrying said desired content; and

a network crawler, wherein the network crawler crawls content providers to acquire data related to available content in accordance with the crawling criteria.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). Meyerzon and Jensen-Grey, alone or in combination, fail to teach or suggest Applicants' claim 1, as a whole.

In an exemplary embodiment, a crawling criteria checker module is used to determine if the contents of the hypertext files meet the conditions of the crawling criteria. (See Applicants' specification, p. 18, l. 22 – p. 19, l. 2). This eliminates unnecessary processing if the crawling criteria are not met. (See *Id.* at ll. 12-13). Moreover, the content may be made available on a specific channel of a cable television system. (See Applicants' specification, p. 6, ll. 7-8).

The Applicants respectfully submit that Meyerzon and Jensen-Grey, alone or in any permissible combination, fail to teach or suggest at least a remote content crawler for use in a content search, packaging and delivery system, comprising a crawler content provider processor that receives, processes and stores content provider listings such that a subscriber may obtain desired content via tuning a set top terminal to a television channel carrying said desired content, as recited in claim 1.

Meyerzon discloses a method and system for detecting duplicate documents in web crawls. A crawler performs a full crawl and then incremental crawls to only obtain documents that have changed since the previous crawl. (See Meyerzon, col. 4, ll. 43-67). The full crawl retrieves each document listed in a transaction log. (See Meyerzon, col. 4, ll. 20-42.) The incremental crawl obtains documents that are not duplicated,

determined by a content identifier (CID). (See Meyerzon, col. 8, ll. 65-67). Notably, Meyerzon fails to teach or suggest a crawler content provider processor that receives, processes and stores content provider listings such that a subscriber may obtain desired content via tuning a set top terminal to a television channel carrying said desired content.

Jensen-Grey fails to bridge the substantial gap between Meyerzon and Applicants' invention because Jensen-Grey also fails to teach or suggest a crawler content provider processor that receives, processes and stores content provider listings such that a subscriber may obtain desired content via tuning a set top terminal to a television channel carrying said desired content. Jensen-Grey only teaches internet crawl seeding for searching for multimedia and streaming media. Jensen-Grey is devoid of any teaching or suggestion of Applicants' invention of a crawler content provider processor that receives, processes and stores content provider listings such that a subscriber may obtain desired content via tuning a set top terminal to a television channel carrying said desired content, as recited in claim 1.

Thus, Meyerzon and Jensen-Grey alone or in combination do not teach or suggest Applicants' invention as recited in claim 1 as a whole. As such, Applicants submit that independent claim 1 is patentable over Meyerzon and Jensen-Grey under 35 U.S.C. §103. Independent claims 4 and 30 recite relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above, independent claims 4 and 30 also are patentable over Meyerzon and Jensen-Grey under 35 U.S.C. §103. Furthermore, claims 5-8, 31-32, 35, 38-40 and 45-51 depend directly or indirectly from independent claims 4 and 30, while adding additional elements. Therefore, these dependent claims also are patentable over Meyerzon and Jensen-Grey for at least the same reasons discussed above in regards to independent claims 1, 4 and 30. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 2-3

The Examiner has rejected claims 2-3 under 35 U.S.C. §103(a) as being

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unpatentable over Meyerzon in view of Jensen-Grey as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, in further view of U.S. Patent Application Publication No. 2002/0032740 A1 to Stern et al. (Stern). Applicants respectfully traverse the rejection.

Claims 2-3 depend from independent claim 1 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Meyerzon and Jensen-Grey references fail to teach or suggest Applicants' invention as recited in claim 1. Accordingly, any attempted combination of the Meyerzon and Jensen-Grey references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 2-3 are patentable under 35 U.S.C. §103 over Meyerzon and Jensen-Grey and in further view of Stern. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 33

The Examiner has rejected claim 33 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon in view of Jensen-Grey as applied to claims 1, 48-8, 30-32, 35, 38-40, and 45-51 above, and in further view of the Applicants' admitted prior art. Applicants respectfully traverse the rejection.

Claim 33 depends from independent claim 30 and recites additional limitations thereof. Moreover, for at least the reasons discussed above, the Meyerzon and Jensen-Grey references fail to teach or suggest Applicants' invention as recited in claim 30. Accordingly, any attempted combination of the Meyerzon and Jensen-Grey references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claim 33 is patentable under 35 U.S.C. §103 over Meyerzon and Jensen-Grey and in further view of Applicants' admitted prior art. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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35 U.S.C. §103 Rejection of Claims 36-37

The Examiner has rejected claims 36-37 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon in view of Jensen-Grey as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, and in further view of U.S. Patent Application Publication No. 2002/0010682 A1 to Johnson (Johnson). Applicants respectfully traverse the rejection.

Claims 36-37 depend from independent claim 30 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Meyerzon and Jensen-Grey references fail to teach or suggest Applicants' invention as recited in claim 30. Accordingly, any attempted combination of the Meyerzon and Jensen-Grey references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 36-37 are patentable under 35 U.S.C. §103 over Meyerzon and Jensen-Grey and in further view of Johnson. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 41-44

The Examiner has rejected claims 41-44 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon in view of Jensen-Grey as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, and in further view of U.S. Patent No. 6,751,612 B1 to Schuetze et al. (Schuetze). Applicants respectfully traverse the rejection.

Claims 41-44 depend from independent claim 30 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Meyerzon and Jensen-Grey references fail to teach or suggest Applicants' invention as recited in claim 30. Accordingly, any attempted combination of the Meyerzon and Jensen-Grey references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 36-37 are patentable under 35 U.S.C. §103 over Meyerzon and Jensen-Grey and in further view

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of Schuetze. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.


CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 10/2/07


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